IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 8TH MARCH 2007 / 17TH PHALGUNA 1928

Bail Appl..No. 1481 of 2007()

CRIME NO.92/2002 OF BINANIPURAM POLICE STATION

PETITIONER

SHIBU, AGED 35 YERS, S/O.CHATHAN,
THYVEPPIL HOUSE, CHIRAYIKARA,
ALAGADU VILLAGE.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA (REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
CRIME NO.92 OF 2002 OF BINANIPURAM POLICE STATION)

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 8.3.2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1481/2007

Dated this 8th day of March, 2007

O R D E R

The petitioner, who is the third accused in Crime No.92/2002 of Binanipuram Police Station for offences punishable under Sections 143, 147, 148, 341, 353, 326 and 308 IPC read with Section 149 IPC, seeks anticipatory bail.

2. Consequent on the non appearance of the petitioner in S.C.No.181/2005 on the file of the Additional Sessions Court (Ad hoc-II), Ernakulam, the case against him was split up and transferred to the long pending register as L.P.No.3/2006. Admittedly non bailable warrants of arrest are pending against the petitioner. He would have it that the other accused in the case have been acquitted after trial in S.C.No.181/2005. That may be a relevant circumstance to be urged before the Trial Court.

3. Anticipatory bail cannot be granted to nullify the process issued by a Court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial Court and seek regular bail.

4. Accordingly, if the petitioner surrenders before the trial court namely Additional Sessions Court (Adhoc-II), Eranakulam, and files an application for regular bail within two weeks from today, the same shall be considered and disposed of by the Magistrate preferably on the same day on which it is filed, after considering the contentions of the petitioner that the co-accused in the case have been acquitted after trial.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs